

June 10, 2013

PRESENT: Richard Nichols, Vice Chairman  
Michael Pierce, Selectman  
Philip Bean, Selectman  
Mary-Louise Woolsey, Selectman  
Michael Schwotzer, Acting Town Manager

I. Public Hearing – RSA 674:40-a

1. Acceptance of the following Streets as public highways: Raymond Lane, Gale Road, Bear Path, Cul-de-sac of Hemlock Street, Janet Lane, and Wayside Farm Lane

Vice-Chairman Nichols read a brief explanation on the acceptance of these roads. In March of 1994 Town Meeting voted to accept RSA 674:40-a. RSA 674:40-a allows the Board of Selectmen to acceptance Planning Board approved subdivision streets that are approved after that date and these streets are such approved subdivisions. However, RSA 674:40-a also requires that a public hearing be held for the acceptance of a Planning Board approved subdivision street as a public highway. As you see in the documentation provided, the required public hearing for each of these streets was not conducted when they were initially accepted by the Board of Selectmen, which renders the previous acceptance of each street as defective. This public hearing corrects all the defects in their acceptance.

Comments from the Public

Art Moody, 3 Thomsen Road gave the history of the naming of Raymond Lane, it was named for the first of ten Hampton residents that were merchant marines who lost their lives in WWII; Richard T. Raymond.

Selectman Woolsey MOTIONED to Move that the following streets be accepted by the Board as public highways under RSA 674:40-a: Raymond Lane, Gale Road, Bear Path, Cul-de-sac of Hemlock Street, Janet Lane, and Wayside Farm Lane SECONDED by Selectman Pierce.

VOTE: 4-0-0

II. Public Comment Period

Chairman Nichols opened the public comment period with the following: I'd like to make a few remarks before we begin Public Comment. There's been a lot of discussion and media coverage of last week's meeting. Most of you know there was a vote of the board removing Selectmen Bean as Chairman and Selectmen Moore has resigned. We will discuss the process of filling Selectmen Moore's slot later in the meeting. Ben's knowledge and intellect will be missed.

The feel is that the media has been fanning the flames.

- The Patch set up a blog entitled “Hampton Politics at its Worst?” inviting residents to weigh in.
- The Friday Hampton Union’s front-page headline was “Chairman Ousted, Moore Resigns from Circus.”
- Friday’s editorial was entitled “Selectmen Embarrass Themselves”
- The editorial included the speculative statements:
  - “On the surface this was no more than a power play.” And
  - “It’s also not a big leap to believe that Nichols and Pierce — who lost their deciding third vote after Jerry Znoj was ousted in the March 2012 election — would welcome a power shift in the board.”
- I’d like to cite a few facts addressing the speculation of a “power play” and “power shift.”
- Based on the minutes since the election, the vast majority of votes on motions have been uncontested.
- On contested votes, Selectman Woolsey and I have been on the opposite side 9 times and Selectmen Pierce and I on the opposite side 7 times.
- Prior to last week’s meeting (the minutes aren’t available), there were only 3 contested issues that Selectman Woolsey, Pierce and I voted on the same side; Those were
  - The razing of the old courthouse.
  - Returning to the “Old Business / New Business” format.
  - Meeting every week in the summer.
- Beyond the media-circus, I was informed that one group was using social media to organize an effort urging people to voice their opinion at tonight’s Public Comment period.

I would urge anyone making comments during the Public Comment period to take the high road and consider the best interests of the Town. One can be critical without being a divisive contributor to the so-called Circus.

Victor Demarco, 11 Milbern Ave, here to talk about the following: cost of trash; amortization done by Finance Director on equipment; maintenance of sidearm trucks; need to do some investigating on the trash pickup and the changes that have been made at DPW in regards to management.

Dave Harten, 120 Kings Hwy, commented as follows: thanked them for all the work they put in; last Monday night was the first meeting he attended and reason why he attended; longtime resident; work load Selectmen are putting in; questioned if this is the right form of Government for this Town; growth in Hampton; his attempts to purchase real estate on Hampton Beach; how recreational areas can become year round; people want to see growth both uptown and at the beach; comments made by members of this Board when others are commenting; when watching it appears that there are things going on in the background and that the Board is not being transparent.

William Bowley, 252 Landing Road, commented as follows: requested that with the new Board under goals and objectives he is asking that Mr. Nichols not be part of the negotiating team; lack of contract for 8 years; SEA Representative; like a pay raise/cost of living raise.

Arthur Moody, 3 Thomsen Road, made comments as follows: opposition to a four way stop sign River Ave; Commission 375 memorabilia that will be for sale; members of 375<sup>th</sup> Commission; [www.hampton375th.org](http://www.hampton375th.org); Wednesday the 12<sup>th</sup> of June will be selling items in the Town Hall from 4 to 5.

June Bean, 143 Winnacunnet Road, made comments as follows: son Phil Bean in the headlines; manner in which done not customary to what they are used to in Hampton; good member of this community; this Town means a lot to both him and the rest of her family.

John Nyhan, 2 Walnut Ave, made comments as follows: representing only himself tonight; upcoming Selectman appointment; disappointed with how the meeting went and ended; saddened by resignation of Ben Moore; civic duty to decide best way to replace him; appointment process as opposed to special election; names circulating around Town on who will replace him; his recommendation is Rick Griffin and stated the reasons why; appoint a person who does not need to be their friend but instead someone who can serve the community.

Allen McCarthy, 1 Merrill Industrial Drive, commented as follows: move and clean up what has happened here; agrees Rick Griffin is the person to fill this position; hopes that the discussion is made in the public as to who will be selected.

Bob Preston, 35 Campton Street, made comments as follows: thanked Ben Moore for his service to the Town; knows each of them individually; collectively last week they made an embarrassing mistake; can be fixed by appointing the person who came in second Rick Griffin; discussion should be in an open public way.

Brian Warburton, 24 Sanborn Road, made comments as follows: broadcasting policy of meetings; issues with the beach and the Zoning Board; nobody is against Green & Company and development at the beach; Zoning Board is causing the confusion; Selectmen have the right to take the Zoning Board to court; reminded everyone that this is not the first time that someone has resigned from a Board and shared some history on this; members of Boards will get kicked in the head sometimes and will have support and not have the support at other times.

Rick Griffin, 529 Ocean Blvd, commented as follows: thanked all for their support tonight; listed others who he has support from; discussion for this selection should be open to the public; how Boards have always worked together; shared some reasons why he would be a good choice; common ground shared by himself, Mary Louise and Mr. Nichols; Boards should be made up of members voicing different opinions; stated what groups he does take part of in Town and those he does not; spoke about the Recognition of Service from the Board of Selectmen; reminded everyone of the total number of votes he received in March.

### III. Announcements and Community Calendar49:20

Selectman Bean announced the following items: Hampton Restaurant week June 17<sup>th</sup> thru June 22<sup>nd</sup>; complimented Seacoast Media Group for the outstanding job they do; congratulated Adult Education Graduates; wished Janice Petro good luck in retirement and commented on the many things she did as an educator; Memorial Day speech by Ralph Fatello.

Note: Draft minutes are subject to corrections, additions and deletions.

Chairman Nichols announced: Road Scholar accomplishments of DPW employees Alan Jones, Ryan Sharpe.

Mr. Noyes shared some further information on this Road Scholar Program which is voluntary training by employee.

#### IV. Appointments

2. Jane Marzinzik, Town Clerk
  - a. New Design Fundraiser Resident Decals

Mrs. Marzinzik commented as follows: new decal is of the Grist Mill; will be done in color; recapped the program last year; raised \$42,000; sent 140 kids to camp last year; like to include the seniors this time around; spoke with Welfare and snow plowing seems to be what seniors need; research she has done to see if this program can work; sent letters back to plow companies; looking to the Board for their thoughts on this new program; split proceeds from decals next year between Rec Scholarships and senior program.

Board Member Woolsey and Pierce discussed the following with Mrs. Marzinzik: problem with combining parking with Transfer Station; how will you establish which seniors qualify for the plowing; two distinct issues one to implement the new design and second aspect is the new senior program; like to see something in writing for the new senior program.

Selectman Nichols MOTIONED to grant permission to the Town Clerk to implement the New Design Fundraiser Resident Decals SECONDED by Selectman Pierce.

VOTE: 4-0-0

3. Keith Noyes, DPW Director
  - a. Solid Waste/Recycling Pickup Schedule

Selectman Nichols brought this up last week and asked Mr. Noyes to explain changes and update pickup schedule.

Mr. Noyes commented as follows: managing trash/recycling pickup in this community is difficult because of the seasonal aspect of how they do the pickup; working to come up with a schedule that works and saves money; revised residential schedule can be found on the Town website; winter and summer schedule included; summer is from June 17<sup>th</sup> to the week after Seafood Festival; changes in residential collection affects North Beach area; reason for doing away with Friday residential pickup has to do with scheduling especially around holidays or snowstorms; announcements that can go out by email if people sign up; commercial collections at the beach will be on Monday, Wednesday and Friday except for some restaurants; residential at the beach will be Monday and Friday; still working on fine tuning so please have patience.

Board Members Pierce, Woolsey and Nichols discussed the following with Mr. Noyes: complaint about people who got flyers and who did not at the beach; how will you tell the difference between rentals at the beach; rental units on K Street issue with recycling carts being filled in two days or less; a way to notify landlords that they need to purchase additional carts; a lot of the carts are overflowing; renters at the beach do not care about the community like the residents do; certificate of occupancy and squeezing more individuals than allowed into a rental; practical problem with enforcing number of occupants in a rental

property; is there a potential problem with these dual parking/transfer station sticker; DPW operators applying Transfer Station only stickers; going back to having separate stickers for parking and the dump; concerns that have been raised by DPW employees about possible abuse of new combined stickers; heard nothing about feedback in regards to problems with the stickers; let Mr. Noyes get some feedback about sticker abuse before the Board decides if they want to discuss this further; hard copy of trash/recycling pickup schedule located at the Transfer Station and Town Hall; trash hotline 944-7954; Holiday pickup schedule; schedule breakdown on website; broadcast email signup and voice mail; Monday and Friday pickup at the beach and number of streets that will be picked up; make sure all effected properties will receive a flyer about changes in schedule.

Selectman Woolsey would like to sit down with Mr. Noyes at a future date to discuss what he is facing at DPW.

4. Al Fleury
  - a. 73 Ocean Blvd “Bernie’s Bar & Grill”

Mr. Fleury and Attorney Bruton both present to discuss the following: working on applications for Bernie’s Bar & Grill; certificate of occupancy should be issued this week; applying to the Board for an Entertainment License; like to have live entertainment at this location until 1 am; recent change in the noise ordinance; noise level measurement; need to make sure there is clarity in regards to noise; operation at Bernie’s is intended to be similar to other establishments in this area; asking for Bernie’s to be treated in an equal way to other establishments and not have the same restrictions that Le Bec Rouge had; sound barrier on the L Street side of establishment; sound level meters being installed at all four corners of establishment; handheld meters will also be available for testing; hopeful that Board can grant a permit to operate the way other establishments do on the beach.

Mr. Schwotzer made comments as follows which were addressed by Atty. Bruton: concerns with the open concept and being able to control noise level; have to comply with ordinance.

Board Members Nichols and Pierce discussed the following with Mr. Fleury and Atty. Bruton: have not received the application for an Entertainment License; items needed to submit a valid application; will put on next Monday’s agenda for discussion on the noise aspect; Police Chief needs to be present for this discussion; kitchen closed for 2013 so all entertainment will be outside for this year; specific problem in ordinance with the section in regards to the noise portion; noise detectors in four corners.

## V. Old Business

1. Selectmen’s Goals/Objectives - Selectman Nichols listed out the 3 goals/objectives covering the following topics: one related to DPW; compliance with the purchasing policy; inequities with the State of NH.
2. Inequities with the State of New Hampshire – Selectman Nichols asked Selectman Bean to summarize this for the Board next week. Selectman Bean will yield this to the Town Manager since he has a complete grasp on this.
3. SAU 90 – Request for Cable Channel Funding – Selectman Woolsey updated on the following: Superintendent is in the process of getting information from other communities on how this is handled; intergovernmental agreement seems to be the sticking point; another meeting will have to be held. Selectman Pierce does not see

why we have to get so involved in this. There was an additional discussion amongst the Board as to why there needs to be an intergovernmental agreement.

#### Other Old Business

Selectman Woolsey asked Mr. Schwotzer for an update on combining all the non-SRF bonds into one and Mr. Schwotzer explained that this is currently being looked into.

Selectman Woolsey also brought up the LGC and how it continues to drag things out. She would like this to be looked into further. Selectman Pierce added that the dates were set by the Secretary of State not the LGC. Selectman Nichols brought up that we are looking at two similar but distinctive issues one being the Contribution Holiday and the second issue has to do with the initiative on the part of the Division of Securities regulation component of the Secretary of State. Selectman Nichols has heard that they are doing a very good job of representing the best interest of the Town.

Selectman Woolsey asked if they tend to plan to contemplate seeking insurance coverage through another vendor like the Schools have done. Mr. Schwotzer stated that it was done about 2 years ago and we currently have a 3 year commitment.

#### VI. New Business

##### 1. 457 Retirement Plans “PFPOPE and ICMA”

###### a. Authorization of Town Manager – Employees to take loans against

Mr. Schwotzer commented as follows: his office has been asked to look into this again; employees wish to take out loans against their 457 plans; two plans; both voluntary; do not include Town’s funds; discussed in January 2011; worked with Atty. Robertson and have the necessary documents to be signed.

Selectman Pierce asked how this plan compares to a 401 which Mr. Schwotzer explained for the Board.

Selectman Woolsey MOTIONED to authorize the Town Manager to sign the plan modification documents enabling employees to take loans against the funds in their 457 plans; PFPOPE or ICMA SECONDED by Selectman Pierce.

VOTE: 4-0-0

##### 2. Code of Ordinance Amendment – Chapter 805, Article IV Stop Intersections

###### a. 4-way Stop at Intersection of Dover Avenue and River Avenue

Mr. Schwotzer commented as follows: brought forward by a resident; reviewed by Police Chief; best interest since it is the only 2-way stop on this street.

Selectman Nichols received a complaint from a resident and spoke with the Police Chief on this.

Selectman Nichols MOTIONED to approve the amendment to Chapter 805 Vehicles and Traffic; Article IV – Stop and Yield Intersections; Turns; Section 805:32 Stop intersections by deleting the following: Dover Avenue - Easterly or westerly before entering River Avenue; and by inserting therein the following: Dover Avenue - 4-way stop at intersection of Dover and River Avenue; and inserting the following: River Avenue - 4-way stop at intersection of River and Dover Avenue SECONDED by Selectman Pierce.

VOTE: 4-0-0

3. Board of Selectmen Vacancy  
a. Appointment

Selectman Nichols made comments as follows: tonight should just discuss the process they will go through; read the RSA for the public; let people know there is an opening; intend to fill the opening; express interest to Town Manager's Office by 5 pm on Thursday; add this item to the agenda for a discussion and appointment next Monday; clear that this process has to be a public discussion.

Selectman Pierce made comments as follows: concerns with talking about the nominees in public; peoples feelings might get hurt; could become heated.

Selectman Woolsey interprets that the Board will not make any comments about nominees that would spark a lively discussion.

The Board agreed that at the meeting next week the candidate can show up and speak if they wish but it is not required.

Representative to Committees/Boards – not discussed

4. Board of Selectman Chair/Vice Chair

Selectman Woolsey MOTIONED that Selectman Nichols serve as Chair SECONDED by Selectman Pierce.

VOTE: 2-0-2(Bea, Nichols)

Chairman Nichols MOTIONED to nominate Selectman Bean as Vice Chair. Selectman Bean declined the nomination. Chairman Nichols withdrew his motion.

Selectman Woolsey MOTIONED to nominate Selectman Pierce as Vice Chair SECONDED by Chairman Nichols.

VOTE: 2-0-2(Pierce, Bea)

5. Cable TV  
a. Committee Hourly Rate

Selectman Nichols made comments as follows: issue brought up by Selectman Moore a few weeks ago; followed up with Moore and brought up to speed on this topic; has been discussed in a non-public meeting; no increase since 2006; conversation with Brian McCain; increase rate of people with 2 years or more of service to \$12.50; people with less than 2 years of service would remain at \$10.

Mr. Schwotzer commented that the effective date could be June 1<sup>st</sup> and once an employee reaches the 2 year mark they will receive the rate of \$12.50.

Selectman Woolsey MOTIONED that effective June 01, 2013, to raise the current hourly rate compensation of Cable Committee personnel, to \$12.50 per hour for the cable employees with two years or more of service for the Town, and to leave in place the current \$10.00 per hour figure for those employees having less than two years of service until they reach their 2 year anniversary date SECONDED by Selectman Pierce.

VOTE: 4-0-0

b. Broadcasting Policy and Procedures of Meetings

Brian McCain and Bill Lowney present to discuss this. Mr. McCain made comments as follows: since they had the problem with the ZBA meeting being shut off; have come up with a policy which he read for the Board; if Board agrees with policy then it will be sent to Legal for review.

Board Members Woolsey, Pierce and Nichols made comments as follows: public has the right to see entire meeting there should not be censoring; Control Room is in charge and cannot be directed by Board/Committee Members; unfortunate circumstance; shared a past situation on the Budget Committee; good to have a policy to hand out to all the Boards and Committees; if public meeting continues then taping continues; come back to Board once it has been reviewed by Legal.

Other New Business

Chairman of Safe Routes to School was asking to use Town Property but has come up with an alternative and is using Marston School

Selectman Woolsey brought up the request of Mr. Moody to have the VHS tapings. Chairman Nichols read the actual request. Mr. McCain is in favor of request.

Selectman Woolsey MOTIONED that at the convenience of the Cable Staff that they turn over the VHS tapes that are no longer useful SECONDED by Selectman Pierce.

VOTE: 4-0-0

Selectman Pierce brought up the Memorial for the Thresher sinking in Portsmouth. There were three or four people who died on the Thresher with ties to Hampton and he wonders if there should be donation made on behalf of the Town.

VII. Consent Agenda

1. Health Office Appointment Renewal – Kevin Schultz
2. Deputy Health Office Appointment Renewal – Milon Marsden
3. Hawkers and Peddlers License – Samuel Johnson, 42 Towle Avenue, Hampton
4. Hampton Commission 375<sup>th</sup> Anniversary Celebration at Tuck Field
  - a. One Day Entertainment License 08/10/13 – Various Bands
  - b. One Day Entertainment License 08/10/13 – Individuals in periodic Costumes
  - c. One Day Entertainment License 08/11/13 – Various Bands
  - d. One Day Entertainment License 08/11/13 – Individuals in period Costumes
5. Use of Town Property “Hampton Lions Club Yard Sale” 08/17/13 136 Winnacunnet Rd

Chairman Nichols MOTIONED to approve the consent agenda SECONDED by Selectman Pierce.

Comments

Selectman Woolsey commented on the Lions Club dumping leftovers at the Transfer Station and wonders if they need any sort of permit to do this. Chairman Nichols does not see a connection between the two.

Selectman Pierce commented that Samuel Johnson does not state what cancer group.



Note: Draft minutes are subject to corrections, additions and deletions.

VOTE: 4-0-0

#### VIII. Closing Comments

#### IX. Adjournment

A motion was made by Chairman Nichols to go into a non-public session under RSA 91-A:3,II,(e), this motion was seconded by Woolsey. A roll call vote was taken, and all 4 Selectmen were in favor

Selectman Pierce MOTIONED to adjourn the public meeting at 9:27 PM SECONDED by Selectman Woolsey.

VOTE: 5-0-0

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Chairman